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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Opfermann et al.

Serial No. 10/654,780

Filed: September 4, 2003

For: **DEVICE FOR DETECTING
THERMAN CONDUCTIVITY BY
MEANS OF OPTICAL PULSES**

Group Art Unit: 2878

Examiner: Unknown

Attorney Docket No. 5887-00100

I hereby certify that this correspondence is being transmitted via
facsimile or deposited with the U.S. Postal Service as First Class
Mail in an envelope addressed to: Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313, on the date indicated below:

7/1/05
Date

Kevin L. Daffer

DECLARATION OF JÜRGEN BLUMM

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

I, Jürgen Blumm, do hereby declare that:

1. Johannes Opfermann deceased in 2004, and therefore is unable to participate in this declaration.
2. I am a co-author, along with Johannes Opfermann, of an article entitled "Improvement of the mathematical modeling of flash measurements," *High Temperatures-High Pressures* (UK), vol. 34, no. 5, pp. 515-521, referenced by the U.S. Patent & Trademark Office in regards to the captioned application. This article is hereinafter referred to as the "Blumm Article."
3. While the U.S. Patent & Trademark Office referenced the Blumm Article, the reference cited was not of the published article, but to a non-published article presented at the 16th European Conference on Thermal Physical Properties, September 1-4, 2002, to which the general public was not invited. Moreover, while disseminated to only the select invitees at the conference, the article was not distributed to nor made available to members of the interested public.
4. The non-published Blumm Article was presented during the conference, not in the United States, but in London, England, and it was not published until later -- after the filing of German application no. DE10242741, which was filed on September 13, 2002.
5. The Blumm Article was published March 14, 2003, after the filing of German application no. DE10242741. See Exhibit A.
6. It is my understanding that the captioned U.S. application claims priority to German application no. DE10242741.

7. All statements made herein are of our own knowledge and are true, and made on information and belief are believed to be true. In addition, these statements were made with knowledge that willful false statements are punishable by fine, imprisonment, or both, under 18 U.S.C. § 1001. FURTHER, WE DECLARE NOT.


Jürgen Blumm

Dated: 17 06. 2005